



Item #576

**Zone Hearings/App Ordinances/Restrictive Covenants
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA DATE: 4/6/2006

Subject: C14-06-0007 - Rattle Inn - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 616 Nueces Street (Shoal Creek Watershed) from general commercial services (CS) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. Planning Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning. Applicant: Compass Bank Trustee (Amelia Simpson). Agent: Armbrust and Brown (Richard T. Suttle). City Staff: Jorge E. Rousselin, 974-2975.

Requesting Department: NPZD

For More Information: Jorge E. Rousselin, 974-2975

ZONING REVIEW SHEET**CASE:** C14-06-0007**P.C. DATE:** February 28, 2006**ADDRESS:** 610-612; & 616 Nueces Street**OWNER:** Compass Bank Trustee (Amelia Simpson)**AGENT:** Armbust & Brown
(Richard T. Suttle)**REZONING FROM:** CS (Commercial Services)**TO:** CBD (Central Business District)**AREA:** 0.04055 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:****February 28, 2006:*****APPROVED CBD-CO DISTRICT ZONING WITH ADDED CONDITION OF LESS THAN 2000 VEHICLE TRIPS PER DAY; BY CONSENT.******[D.SULLIVAN, K.JACKSON 2ND] (9-0)*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CO (Central Business District) conditional overlay combining district. The recommended conditional overlay will limit the vehicle trips to less than 2,000 vehicle trips per day pursuant to LDC, 25-6-117. The recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing CBD and commercial development along Nueces Street and West 7th Street;
- 2.) The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend providing multi-tenant, pedestrian-oriented development at street level;
- 3.) The proposed CBD zoning will encourage a diversity of land uses along Nueces Street and West 7th Street;
- 4.) The proposed development will not be subject to compatibility standards; and
- 5.) The height of any structure on this site will be limited by the Capitol View Corridor

DEPARTMENT COMMENTS:

The subject rezoning area is a .04055 acre site fronting Nueces Street and West 7th Street zoned CS. The applicant proposes to rezone the property to CBD for a change in use of the property to allow for restaurant, retail, and cocktail lounge uses within the existing structure. The site is bisected by the Capitol View Corridor. Any height modification to the existing building will be limited by the Capitol View Corridor.

CS Development Standards:

CS	
Maximum Height:	60'
Maximum Building Coverage:	95%
Maximum Impervious Cover:	95%
Maximum Floor Area Ratio:	2:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

CBD Development Standards:

CBD	
Maximum Height:	-
Maximum Building Coverage:	100%
Maximum Impervious Cover:	100%
Maximum Floor Area Ratio:	8:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Restaurant, retail, personal services
<i>North</i>	GO / GO-H	Office buildings
<i>South</i>	CBD	Office building
<i>East</i>	CBD	Office building
<i>West</i>	GR	Office building

AREA STUDY: Downtown Austin
Design Guidelines

TIA: Waived; See Transportation comments

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

NEIGHBORHOOD ASSOCIATION:

- 57--Old Austin Neighborhood
- 402--Downtown Austin Neighborhood Assn. (DANA)
- 511--Austin Neighborhoods Council
- 623--City of Austin Downtown Commission
- 742--Austin Independent School District
- 744--Sentral Plus East Austin Koalition (SPEAK)
- 998--West End Austin Alliance

SCHOOLS:

Austin Independent School District

- Mathews Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0050	GO, GO-H, CS, MF-4 to P	03/19/96: PC DIRECTED STAFF TO INITIATE ROLLBACK TO P (9-0). 04/23/96: PC APVD STAFF REC OF P (8-0-1).	05/23/96: APVD PC REC OF P (5-0); ALL 3 RDGS.
C14-98-0038	GR to CBD	05/05/98: PC APVD CBD BY CONSENT (7-0).	06/04/98: APVD PC REC OF CBD (6-0) 1ST RDG ONLY. 08/20/98: APVD CBD (6-0) 2 & 3 RDGS.
C14-99-0138	MF-4 to DMU-CO	11/09/99: APVD STAFF REC OF DMU-CO W/CONDS FROM MEDIATION & STAFF, BY CONSENT (8-0).	12/09/99: APVD PC'S REC OF DMU-CO W/CONDS (7-0); ALL 3 RDGS.
C14-05-0040	GO & DMU to DMU-CO-CURE	06/07/05: ZAP APVD DMU-CO W/CONDS (9-0).	07/28/05: APVD DMU-CO- CURE (7-0); ALL 3 RDGS [MODIFYING HEIGHT TO 130'].
C14-05-0165	CBD to CBD- CURE	10/18/05: ZAP APVD CBD- CURE-CO W/CONDS (7-1-1, JP-NO, MH-ABSTAIN).	11/17/05: APVD CBD-CURE (7- 0); ALL 3 RDGS.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE PLAN
Nueces Street	80'	40'	Collector	Yes	No	Yes
7th Street	80'	40'	Collector	Yes	No	Yes

CITY COUNCIL DATE:

April 6, 2006

ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

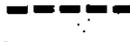
ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: J.ROUSSELIN

ZONING

CASE #: C14-06-0007
ADDRESS: 610 - 612 NUECES ST
SUBJECT AREA (acres): 0.406

DATE: 06-01
INTLS: SM

CITY GRID REFERENCE NUMBER
J22

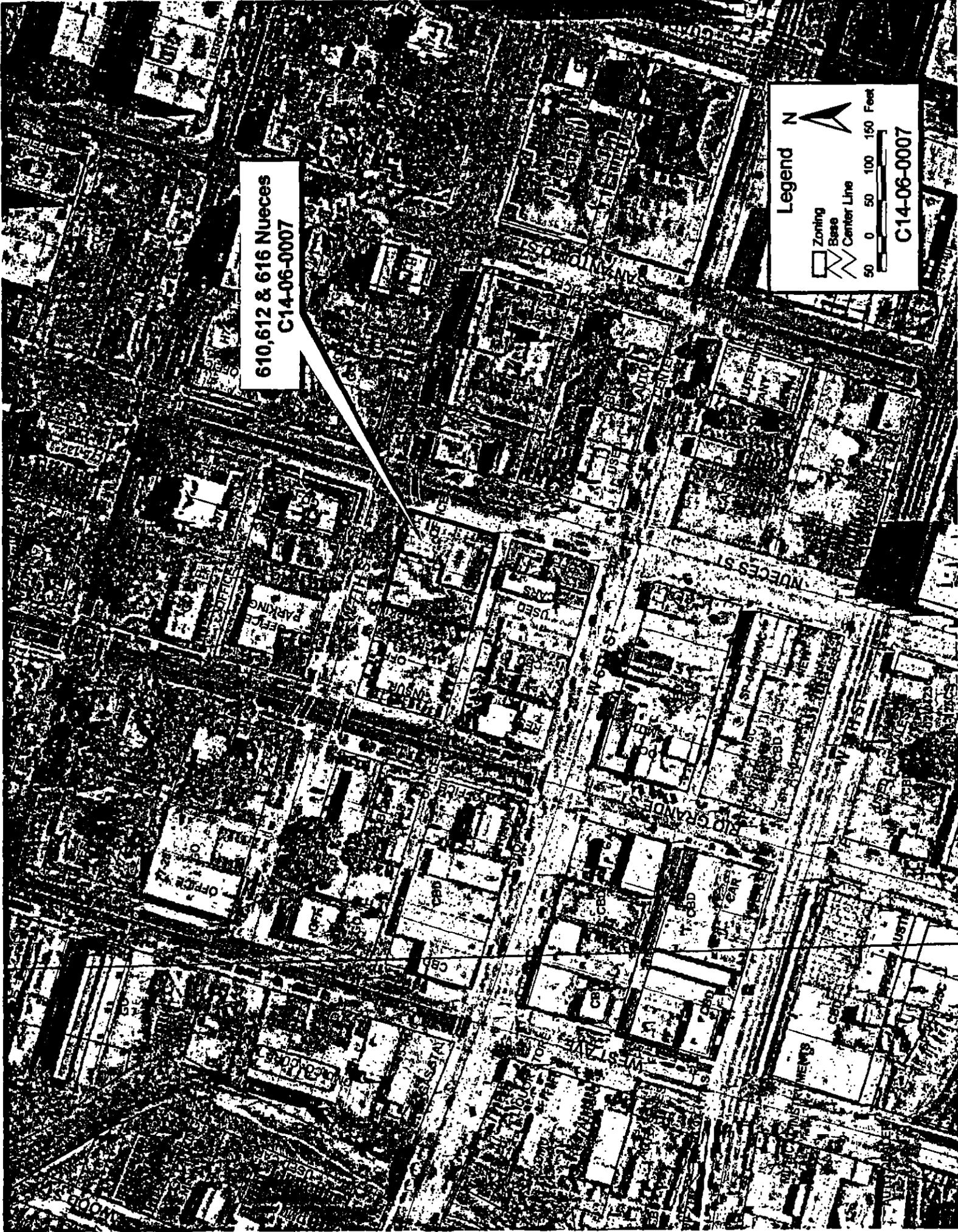
610,612 & 616 Nueces
C14-06-0007

Legend N

- Zoning
- Base
- Center Line

50 0 50 100 150 Feet

C14-06-0007



STAFF RECOMMENDATION

Staff recommends CBD-CO (Central Business District) conditional overlay combining district. The recommended conditional overlay will limit the vehicle trips to less than 2,000 vehicle trips per day pursuant to LDC, 25-6-117. The recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing CBD and commercial development along Nueces Street and West 7th Street;
- 2.) The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend providing multi-tenant, pedestrian-oriented development at street level;
- 3.) The proposed CBD zoning will encourage a diversity of land uses along Nueces Street and West 7th Street;
- 4.) The proposed development will not be subject to compatibility standards; and
- 5.) The height of any structure on this site will be limited by the Capitol View Corridor.

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought.

25-2-100 CENTRAL BUSINESS DISTRICT (CBD) DESIGNATION

(A) Central business district (CBD) is the designation for an office, commercial, residential, or civic use located in the downtown area.

(B) Site development regulations applicable to a CBD district use are designed to:

- ensure that a CBD use is compatible with the commercial, cultural, historical, and governmental significance of downtown and preserves selected views of the Capitol;
- promote the downtown area as a vital commercial retail area;
- create a network of pleasant public spaces and pedestrian amenities in the downtown area;
- enhance existing structures, historic features, and circulation patterns in the downtown area; and
- consider significant natural features and topography in the downtown area.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property an undeveloped land located in the Core Downtown District as identified by the Downtown Austin Design Guidelines. Furthermore, the proposed mix of uses will encourage a diversity of land uses along Nueces Street and West 7th Street.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed change and recommended conditional overlay is compatible with the surrounding area as it is surrounded by a mixture of land uses, intensities, and CBD zoning. The proposed land uses are compatible to the existing adjacent uses.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 0.04055 acre site fronting Nueces Street and West 7th Street zoned CS. Access to the site is via an existing driveway on West 7th Street. The site is bisected by the Capitol View Corridor.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 8,503 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The proposed uses (2,046sf restaurant, 1,875sf retail, and 1,711sf cocktail lounge) will generate approximately 378 trips per day.
3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
4. Capital Metro bus service is available along 6th Street.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for any redevelopment.

Water and Wastewater

1. The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

Site Plan

1. This site is traversed by the Capitol View Corridor #8, "South Lamar Boulevard at La Casa Drive". Prior to any development of this site with a site plan, a CVC height determination will be required in order to specify the maximum height of the proposed development and the maximum elevation above sea level that any structures may be built.

Compatibility Standards

1. This site is not subject to compatibility standards under the provisions of 25-2-581.



January 25, 2006

Lynn Ann Carley
Senior Land Development Consultant
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, TX 78701-2744

**RE: Rezoning Case C14-06-0007 – Rattle Inn, 610-616 Nueces Street, Shoal Creek
Watershed, Downtown Plan NPA**

Lynn Ann:

Thank you for presenting to the Downtown Austin Neighborhood Association Steering Committee the Rattle Inn project (Ranch 616's expansion). Please let this letter serve as indication of the Downtown Austin Neighborhood Association's support of your requested zoning change from CS to CBD.

We are excited about Ranch 616's expansion into the neighboring space formerly occupied by Clement's Paint (to be called the "Rattle Inn"), and the interesting entertainment/live music venue the Rattle Inn will be. We also want to thank you for your contact with the Posada del Rey Condominiums' Home Owner's Association, at our request, to "allay" any fears they had about noise. Thank you for telling us the Rattle Inn won't have any outdoor music areas nor outdoor speakers, but that the live music will be inside. Also thank you for sharing with us that although current plans call for utilizing existing one-story buildings, any future building's height (if the rezoning is granted) will be limited by the Capitol View Corridor which crosses the site.

Thank you for taking the time to present to us.

Sincerely

Andrew Clements (via email)

Andrew Clements
President
Downtown Austin Neighborhood Association

Michael J. McGinnis
3407 Toro Canyon Rd.
Austin, Texas 78746
512-327-7664
Fax 328-3865

February 17, 2006

Jorge Rousselin
Neighborhood Planning & Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Rattle Inn Rezoning (C14-06-0007)

Dear Jorge:

I strongly support the proposed zoning change of the property located between 610 and 616 Nueces Street from CS to CBD. I own the following properties located east and south and west of the existing Ranch 616 restaurant:

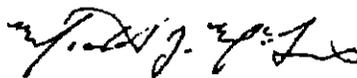
1. 600 West 6th Street, immediate Neighbor to the South of subject case
2. 612 West 6th Street and parking lot adjacent to subject property on W 7th, immediate Neighbor to the West of subject property
3. 601 West 6th Street
4. 605 West 6th Street
5. 711 West 7th immediate Neighbor to the East of subject property
6. 607 Nueces, immediate Neighbor to the East of subject property

I understand that the Rattle Inn is proposing a bar/cocktail lounge next to the existing Ranch 616 restaurant. This rezoning will allow Ranch 616 to expand their business within the neighborhood. The proposed zoning is consistent with desired development for the downtown area and will complement the existing and proposed land uses in the vicinity.

In addition, I feel that it is important to support local businesses and have seen how difficult it is for small business owners to expand. Ranch 616 is an Austin owned business and has been a good neighbor to the area.

It is my pleasure to support this zoning change. Please feel free to contact me with any questions.

Sincerely,



Michael McGinnis
(512) 327-7664

Miller Blueprint Company

P.O. Box 2065
Austin, TX 78768

501 West Sixth St.
Austin, TX 78701

Phone: 512-478-8793
Fax: 512-478-0081

February 20, 2006

Jorge Roussellin
Neighborhood Planning & Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Rattle Inn Rezoning (C14-06-0007)

Dear Jorge:

As a neighbor to the existing Ranch 616 site, it is my pleasure to support the proposed zoning change from CS to CBD to allow the Rattle Inn Bar and Lounge to be located next to Ranch 616. I am a proprietor/representative of the entities that own properties southeast of the site at the following locations:

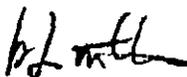
1. 520 West 6th Street (Little Woodrow's site)
2. 512 West 6th Street (Austin Wine Merchant site)
3. 501 West 6th Street (Miller's Blueprint site)

The proposed CBD zoning matches the zoning located on nearly three sides of the site. The proposed zoning is consistent with desired development for the downtown area and the land use will complement the existing and proposed land uses in the vicinity.

Ranch 616 has been a good neighbor to this area. I request that you support local businesses and approve the zoning request from CS to CBD.

Please feel free to contact me with any questions.

Sincerely,



Bob Miller



WEST END
AUSTIN
ALLIANCE

President

Perry Lorocz

Vice President

Patricia Bauer-Slato

Spanish Hill Bakery

Secretary

David Rockwood

CSD&M

Treasurer

Ted Sitt

Downtown Austin

Neighborhood Association

Board Members:

Whit Hanks

Whit Hanks Property

John Kunz

Valencia Records

and Video

Steve Berry

Rock Records

Evan Williams

Joseph Williams

David Vitanza

Schlosser Development

Mike McGinnis

Rick Valdes

Whole Foods

Kevin Barnes

Urban Space

Katy Calmo

By George

Laurd Morrison

OK! West Austin

Neighborhood Association

Date: February 28, 2006
To: Planning commission
From: West End Austin Alliance ("WEAA")

Re: Case # C14-06-0007

On January 25th, 2006 the Board of Directors of The WEAA voted to support the re-zoning of 610-616 Nueces Street, to be known as Rattle Inn, to CBD, in order to allow Ranch 616 to expand into the adjoining property. Ranch 616 is a successful, locally owned business and we are very happy to support their request. Our Board felt like this rezoning will have little negative effect on the neighborhood and is the most expedient way to allow Ranch 616 to accomplish their expansion.

Please call if you have any questions or wish to discuss any aspect of our support

Sincerely,

Perry Lorocz
President

P. O. BOX
603822
AUSTIN TX 78762

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 610, 612, AND 616 STREET FROM GENERAL
3 COMMERCIAL SERVICES (CS) DISTRICT TO CENTRAL BUSINESS
4 DISTRICT-CONDITIONAL OVERLAY (CBD-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general commercial services (CS) district to central business
10 district-conditional overlay (CBD-CO) combining district on the property described in
11 Zoning Case No. C14-06-0007, on file at the Neighborhood Planning and Zoning
12 Department, as follows:

13
14 Lots 5 and 6, Block 75, Original City of Austin, Travis County, Texas, according
15 to the map or plat of record in the General Land Office of the State of Texas (the
16 "Property"),

17
18 locally known as 610, 612, and 616 Nueces Street, in the City of Austin, Travis County,
19 Texas, and generally identified in the map attached as Exhibit "A".

20
21 PART 2. The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

23
24 A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively with
26 all existing or previously authorized development and uses, generate traffic that exceeds
27 2,000 trips per day.

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29 Except as specifically restricted under this ordinance, the Property may be developed and
30 used in accordance with the regulations established for the central business district (CBD)
31 base district and other applicable requirements of the City Code.

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PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

§
§
§

Will Wynn
Mayor

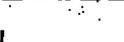
APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk




 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: J.ROUSSELIN

ZONING EXHIBIT A
CASE #: C14-06-0007
ADDRESS: 010 - 012 NUECES ST
SUBJECT AREA (acres): 0.400

DATE: 06-01
INTLS: SM

CITY GRID REFERENCE NUMBER
J22